

**UNITED STATES DISTRICT COURT**  
*Eastern District of Washington*

EUGENE SMITH, Sr.,

Plaintiff,

v.

ELDON VAIL, et al,

Defendants.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: CV-10-5103-JLQ

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED the Plaintiff's motion (Ct. Rec. 10) is GRANTED and the complaint is DISMISSED WITHOUT PREJUDICE. Plaintiff's motion (Ct. Rec. 11) is GRANTED and the institution having custody of Mr. Smith shall cease collection of the filing fee in this action, cause number CV-10-5106-JLQ.

November 3, 2010

Date

JAMES R. LARSEN

Clerk

s/ Cheryl Switzer

(By) Deputy Clerk

Cheryl Switzer